

ARTICLE 47

SEC. 21-47 ORDINANCE TEXT AMENDMENT AND REZONING AMENDMENT.

- 47.1 Purpose:** To establish the procedures by which amendments may be made in both the text of the Zoning Ordinance; and the applications thereof to the land within Lake County by amendment of the sectional district maps by rezoning, whenever such changes are warranted by the community welfare, public necessity, or changes in state law and the General Plan.
- 47.2 Applicability:** Any amendment to this Chapter which changes any property from one district to another district; or imposes any regulation upon property not theretofore imposed or removes or modifies any such regulation, shall be initiated and adopted as hereinafter set forth in this Article. Any other amendment to this Chapter may be adopted as other ordinances are amended or adopted.

SEC. 21-47.10 ORDINANCE TEXT AMENDMENT.

- 47.11 Initiation:** The text of this Chapter may be amended whenever the Board of Supervisors deems that the amendment will be in the best interest of the public. Text amendments may be initiated by:

- (a) A resolution of intention by the Board of Supervisors.
- (b) A resolution of intention by the Planning Commission.

47.12 Public hearing by the Planning Commission - Notice Required:

- (a) Upon receipt of a complete application, or resolution of intention of amendment, the Planning Commission shall set a date for a public hearing thereon.
- (b) Notice of the hearing shall be given pursuant to [Section 57.2](#) of this Chapter, except as provided in Subsection (c) below.
- (c) If the proposed ordinance text amendment affects the permitted uses of real property, notice of the hearing shall be given pursuant to [Section 57.3](#) of this Chapter.

- 47.13 Public hearing by the Planning Commission - Recommendation to the Board of Supervisors:** After the close of the public hearing, the Planning Commission shall render its final decision on the proposed Ordinance text amendment. Within ten (10) days of said final decision, the Planning Commission shall transmit its decision in the form of a written recommendation to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed Ordinance or amendment to the Lake County General Plan, and a copy of the proposed amendment.

47.14 Public hearing by the Board of Supervisors - Notice Required:

- (a) Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall set a date for a public hearing thereon.

- (b) Notice of the hearing shall be given pursuant to [Section 57.2](#) of this Chapter, except as provided in Subsection below.
- (c) If the proposed ordinance text amendment affects the permitted uses of real property, notice of the hearing shall be given pursuant to [Section 57.3](#) of this Chapter.

47.15 Action by the Board - Decision: Follow any hearing, the Board may approve, modify or disapprove the recommendation of the Planning Commission; provided that any modification of the proposed ordinance or amendment by the Board not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the Board of Supervisors, shall be deemed to be approval of the proposed modification.

47.16 Abandonment of ordinance text amendment: The Board of Supervisors, or the Planning Commission may by resolution abandon any proceeding for an Ordinance text amendment initiated by its own resolution of intention, but only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

SEC. 21-47.20 REZONING AMENDMENT.

47.21 Initiation of rezoning: Amendment of the boundaries of any zoning districts established by this Chapter as shown on any adopted sectional district map may be initiated by:

- (a) A petition by one or more owners of property which is the subject of the proposed amendment.
- (b) A resolution of intention by the Board of Supervisors.
- (c) A resolution of intention by the Planning Commission.

47.22 Application:

- (a) A rezoning amendment initiated by any one other than the Board of Supervisors or Planning Commission shall require filing with the Planning Department an application requesting a rezoning amendment of the zoning ordinance, a list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved; and shall be accompanied by a fee as established by the Board of Supervisors; and any other information required by the Planning Department as provided in [Article 55](#).
- (b) Applicants requesting a change to a County zoning map shall submit as many copies as required by the Planning Department of an Exhibit "A" zoning map (sectional district map), which shall indicate clearly the requested zoning

district(s) and the zoning map shall meet the requirements of the County Surveyor.

47.23 Public hearing by the Planning Commission - Notice Required:

- (a) Upon receipt of a complete application, or resolution of intention of amendment, the Planning Commission shall set a date for a public hearing thereon.
- (b) Notice of the hearing shall be given pursuant to [Section 57.2](#) of this Chapter, except as provided in Subsection (c) below.
- (c) If the proposed rezoning amendment to a zoning ordinance affects the permitted uses of real property, notice of the hearing shall be given pursuant to [Section 57.3](#) of this Chapter.

47.24 Public hearing by the Planning Commission - Recommendation to the Board of Supervisors:

- (a) After the close of the public hearing, the Planning Commission shall render its final decision of the proposed rezoning amendment. Within ten (10) days of said final decision, the Planning Commission shall transmit its decision in the form of a written recommendation to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed rezoning amendment to the Lake County General Plan, and a copy of the proposed amendment.
- (b) The recommendation of the Planning Commission shall also be transmitted to the party requesting the rezoning amendment of the zoning ordinance.

47.25 Public hearing by the Board of Supervisors - Notice Required:

- (a) Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall set a date for a public hearing thereon, except as provided in Subsection (b) below.
- (b) If the Planning Commission has recommended against the adoption of the rezoning amendment and makes no alternative recommendation, the Board of Supervisors shall not be required to take any further action on the rezoning amendment unless an interested party requests a hearing by filing a written request with the Clerk of the Board of Supervisors within five (5) days after the Planning Commission files its recommendations with the Board.
- (c) Notice of the hearing shall be given pursuant to [Section 57.2](#) of this Chapter, except as provided in Subsection (d) below.
- (d) If the proposed ordinance rezoning amendment affects the permitted uses of real property, notice of hearing shall be given pursuant to [Section 57.3](#) of this Chapter.

- 47.26 Action by the Board - Decision:** Following any hearing, the Board of Supervisors may approve, modify or disapprove the recommendation of the Planning Commission; provided that any modification of the proposed rezoning amendment by the Board of Supervisors not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the Board of Supervisors, shall be deemed to be approval of the proposed modification.
- 47.27 Abandonment of rezoning amendment:** With the consent of the Planning Commission, any petition for a rezoning amendment may be withdrawn at any time upon the written application of a majority of all persons who signed such petition. The Board of Supervisors, or the Planning Commission may by resolution abandon any proceeding for rezoning amendment initiated by its own resolution of intention, but only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.